



## Senate

General Assembly

**File No. 254**

January Session, 2011

Substitute Senate Bill No. 96

*Senate, March 29, 2011*

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING TERMINATION WITHOUT CAUSE FOR CERTAIN OFFICERS IN MUNICIPAL POLICE DEPARTMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-278 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 No active head of any police department of any town, city or  
4 borough and no deputy chief of any such police department not  
5 subject to a collective bargaining agreement or any other agreement  
6 concerning the terms of employment shall be dismissed unless there is  
7 a showing of just cause by the authority having the power of dismissal  
8 and such person has been given notice in writing of the specific  
9 grounds for such dismissal and an opportunity to be heard in his own  
10 defense, personally or by counsel, at a public hearing before such  
11 authority. Such public hearing, unless otherwise specified by charter,  
12 shall be held not less than five nor more than ten days after such  
13 notice. Any person so dismissed may appeal within thirty days

14 following such dismissal to the superior court for the judicial district in  
15 which such town, city or borough is located. Service shall be made as  
16 in civil process. Said court shall review the record of such hearing, and,  
17 if it appears upon the hearing upon the appeal that testimony is  
18 necessary for an equitable disposition of the appeal, it may take  
19 evidence or appoint a referee or a committee to take such evidence as it  
20 directs and report the same to the court with his or its findings of fact,  
21 which report shall constitute a part of the proceedings upon which the  
22 determination of the court shall be made. The court, upon such appeal,  
23 and after a hearing thereon, may affirm the action of such authority, or  
24 may set the same aside if it finds that such authority acted illegally or  
25 arbitrarily, or in the abuse of its discretion, with bad faith, malice, or  
26 without just cause.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	7-278
-----------	-----------------	-------

***Statement of Legislative Commissioners:***

The first sentence of section 1 was rewritten for clarity.

***LAB***      *Joint Favorable Subst. C/R*

PS

***PS***      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Cost	See Below	See Below

**Explanation**

The bill could result in a potential cost by altering the dismissal process for deputy police chiefs not subject to a collective bargaining agreement of any town, city, or borough and allowing for an appeals process in Superior Court. To the extent that municipalities must engage in the appeals process as a result of this bill, there is a potential cost to any such municipality associated with litigation expenses. Approximately 95 towns and cities have municipal police departments in the state.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 96*****AN ACT CONCERNING TERMINATION WITHOUT CAUSE FOR CERTAIN OFFICERS IN MUNICIPAL POLICE DEPARTMENTS.*****SUMMARY:**

By law, a municipality cannot dismiss the head of its police department except for good cause. This bill extends this protection to a deputy chief who is not part of a collective bargaining or other employment agreement.

Under law and the bill, the municipality must give the employee (1) a written notice stating the grounds for dismissal and (2) an opportunity to present his or her own defense at a public hearing. Any employee dismissed after such a hearing can appeal the dismissal in Superior Court.

EFFECTIVE DATE: October 1, 2001

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 8 Nay 2 (02/24/2011)

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/15/2011)